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M. Shapiro*

[other counsel identified on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BIOTECHNOLOGY VALUE FUND,
L.P.; BIOTECHNOLOGY VALUE FUND
II, L.P.; INVESTMENT 10, L.L.C.;
BVF INVESTMENTS, L.L.C.; BVF INC.;
and BVF X, LLC,

Plaintiffs,

v.

CELERA CORPORATION; CREDIT
SUISSE SECURITIES (USA) LLC;
KATHY ORDOÑEZ; RICHARD H.
AYERS; WILLIAM G. GREEN; PETER
BARTON HUTT; GAIL M. NAUGHTON;
WAYNE I. ROE; and BENNETT M.
SHAPIRO,

Defendants.

Case No. CV-13-3248-WHA-DMR

**STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL**

1 WHEREAS, Plaintiffs Biotechnology Value Fund, L.P., Biotechnology Value Fund II,
2 L.P., Investment 10, L.L.C., BVF Investments, L.L.C., BVF Inc., and BVF X, LLC, and
3 Defendants Celera Corporation, Kathy Ordoñez, Richard H. Ayers, William G. Green, Peter
4 Barton Hutt, Gail M. Naughton, Wayne I. Roe, and Bennett M. Shapiro (collectively, “Celera
5 Defendants”) (Plaintiffs and the Celera Defendants collectively referred to as the “Settling
6 Parties”) have reached a settlement in connection with the above-captioned action (the “Action”);
7 and

8 WHEREAS, the Settling Parties have stipulated to the voluntary dismissal pursuant to
9 Fed. R. Civ. P. 41(a)(2) of all claims as against the Celera Defendants with prejudice and without
10 costs;

11 WHEREAS, Plaintiffs’ claims against the only other defendant, Credit Suisse Securities
12 (USA) LLC were dismissed on the merits, with prejudice, and without costs by Order dated
13 September 22, 2014 (ECF No. 176), and the dismissal of Plaintiffs’ claims against the Celera
14 Defendants will fully and finally resolve the Action;

15 For good cause shown, and upon due consideration of the Settling Parties’ Stipulation;

16 IT IS ORDERED, ADJUDGED AND DECREED THAT:

17 1. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Second Amended
18 Complaint in this Action, served on or about March 14, 2014, and all claims contained therein, is
19 hereby dismissed on the merits, with prejudice and without costs as against each of the Celera
20 Defendants.

21 2. Each Settling Party shall bear its own costs and expenses, including any and all
22 legal and expert fees, incurred in connection with this Action.

23 3. Final judgment is hereby entered pursuant to Federal Rule of Civil Procedure 54
24 dismissing the Action with prejudice and without costs.

1 Dated: January 15, 2015

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

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1 Dated: January 15, 2015

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22 *Bennett M. Shapiro*

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: January 16, 2015

25 
26 The Honorable William H. Alsup
United States District Judge